

**MINUTES OF THE
EXECUTIVE OFFICES & CRIMINAL JUSTICE
JOINT APPROPRIATIONS SUBCOMMITTEE
ROOM 405 STATE CAPITOL BUILDING
February 7, 2001**

Members Present: Sen. D. Chris Buttars , Co-Chair
Rep. A. Lamont Tyler, Co-Chair
Sen. Peter C. Knudsen
Sen. Pete Suazo
Rep. Gary F. Cox
Rep. Scott Daniels
Rep. Paul Ray
Rep. Mike Thompson

Members Absent: Rep. Ron Bigelow

Staff Present: Bill Dinehart, Fiscal Analyst
Dr. Andrea Wilko, Fiscal Analyst
Cherri White, Committee Secretary

Visitors List: List filed with Committee Minutes

Senator Buttars called the meeting to order at 2:07 p.m. and explained to the committee that there would be a slight change in the agenda. Voting on the budget for Public Safety would occur today following the budget presentation and agency response. He then called for a motion to approve the minutes of February 5, 2001.

MOTION: Representative Daniels moved to approve the minutes of February 5.

Representative Cox asked that two corrections be made to the minutes.

1. Page 2, the motion to add to the priority list O-Track funding, should read:

Representative Cox moved to add to the priority list \$193,000, and 3 FTE's for Offender Tracking System (O-Track). The motion passed unanimously.

2. Page 6, the spelling of the name for a participant needed to be corrected. The correction would read Lana Spivey.

Representative Daniels amended his motion to approve the amended minutes. The motion passed unanimously with Representatives Bigelow, Thompson, and Tyler, and Senator Suazo absent for the vote.

MOTION: Representative Daniels moved to approve the analyst recommended base budget for Youth Corrections less the 1% General Fund monies in the amount of \$86,355,600. The motion passed unanimously with Representatives Bigelow, Thompson, and Tyler absent for the motion.

MOTION: Representative Ray moved to add to the priority list \$280,000 in one-time General Fund monies for Highway Patrol Mobile Technology (laptops in two additional Patrol sections - see letter from Capital Facilities Appropriations letter date January 31, 2001.) The motion passed unanimously with Representatives Bigelow, Thompson and Tyler absent for the vote.

MOTION: Representative Cox moved to add to the priority list \$65,000 for the Juvenile Receiving Center in Sandy. The motion passed unanimously with Representatives Bigelow, Thompson and Tyler absent for the vote.

MOTION: Representative Cox moved to add to the priority list \$910,000 for Central Utah (Richfield) Youth Facility for FY 2001. The motion was seconded by Senator Suazo with an "Amen". The motion passed unanimously with Representatives Bigelow, Thompson, and Tyler absent for the vote.

MOTION: Representative Daniels moved to add to the priority list \$121,500 for Washington County - \$77,800 for alternatives to detention, and \$43,700 for transportation. The motion passed unanimously with Representatives Bigelow, Thompson, and Tyler, and Senator Knudsen absent for the vote.

MOTION: Senator Suazo moved to add to the priority list \$1,083,500 supplemental FY 2001 for Growth in Community Alternatives. The motion passed unanimously with Representatives Bigelow, Thompson, and Tyler, and Senator Knudsen absent for the vote.

MOTION: Representative Daniels moved to add to the priority list \$1,500,000 to Growth in Community Alternatives for FY 2002.

SUBSTITUTE

MOTION: Senator Suazo moved to add to the priority list \$2,000,000 to Growth in Community Alternatives for FY 2002. The motion passed with Senator Buttars voting against the motion, and Representatives Bigelow, and Tyler and Senator Knudsen absent for the vote.

MOTION: Representative Daniels moved to add to the priority list \$201,000 COLA for privatized facility. The motion passed unanimously with Representatives Bigelow and Tyler, and Senator Knudsen absent for the vote.

Senator Buttars turned the chair over to Representative Tyler at 2:37 p.m.

Representative Adair spoke to the committee regarding H.B. 229, and the intent of the legislature to increase the salary of the Highway Patrol. Representative Adair also introduced the language to amend the bill making the change from \$1,400,000 to \$2,300,000.

Also speaking in regards to H.B. 229 was Don Sagendorf, President, Utah Highway Patrol Association.

MOTION: Senator Suazo moved to recommend amending H.B. 229 on lines 5, and 10 to delete \$1,400,000 and insert \$2,300,000. The motion passed with Senator Buttars voting against the motion and Representative Bigelow, and Senator Knudsen absent for the vote.

Senator Buttars requested that the minutes reflect that while he supports the concept of funding increased salary for the Highway Patrol, he is opposed to the direction the committee is taking to obtain those results.

MOTION: Representative Cox moved to add to the priority list \$126,000 one-time General Fund monies FY 2001 supplemental for vehicle purchase. The motion passed with Senator Buttars voting against the motion and Representative Bigelow and Senator Knudsen absent for the motion.

MOTION: Representative Cox moved to add to the priority list \$1,241,671 for the TCM rate change as a supplemental for FY 2001. The motion passed unanimously with Representative Bigelow and Senator Knudsen absent for the vote.

MOTION: Representative Cox moved to add to the priority list \$809,400 in on-going monies for the TCM rate change. The motion passed unanimously with Representative Bigelow, and Senator Knudsen absent for the vote.

MOTION: Representative Ray moved to add to the priority list \$196,800 for three (3) new Case Managers. The motion passed unanimously with Representative Bigelow and Senator Knudsen absent for the vote.

MOTION: Representative Cox moved to add to the priority list intent language making Youth Parole Authority a separate line item. The motion passed unanimously with Representative Bigelow and Senator Knudsen absent for the vote.

MOTION: Representative Ray moved to add to the priority list \$1,000,000 for Out-of-State Placements. The motion passed unanimously with Representative Bigelow and Senator Knudsen absent for the vote.

MOTION: Senator Butters moved to amend the COLA increase to include the Private Providers to be equal to State employees. The motion passed unanimously with Representative Bigelow and Senator Knudsen absent for the vote.

The chair called a 10 minute break at 3:00 p.m., and the committee reconvened at 3:15 p.m.

Richard Carling, Utah Highway Patrol, Honorary Colonel Association gave a plea for better wages for patrol officers. He indicated that due to poor wages many patrol officers qualify for food stamps, reduced school lunches and other programs. In addition many can't qualify for a home due to minimum wages needed to make a mortgage payment.

Fiscal Analyst, Bill Dinehart, gave the presentation on the budget recommendations for Public Safety. Mr. Dinehart highlighted the following areas of concern for the committee regarding the Department of Public Safety. (Yellow tabs #37-46)

1. Criminal Investigation Services - Crime Lab Serologist - Due to the ending of a federal grant this position will now require funding of \$44,200 in General Funds.
2. POST - Investigator - In order for the investigation of police misconduct to be handled in an expeditious manner and additional FTE in the amount of \$68,900 in on-going General Funds and \$20,000 in one-time General Funds.
3. Drivers License - Due to an increased workload along the Wasatch Front area the Analyst recommends an additional 9 FTEs at the cost of \$400,000 be added to this Division. It is noted that all costs for staffing this Division come from a Transportation - Restricted Fund that is based on license fees.
4. Fire Marshall - Fire Prevention Specialist - Due to delays in reviews and inspections which threaten public safety and increase costs to projects the Analyst recommends adding an additional fire prevention deputy (1 FTE) in the amount of \$65,000 in ongoing General Fund monies, and \$20,000 in one-time General Fund monies.
5. Highway Patrol - Two additional Troopers - The Analyst is recommending 2 FTE troopers for Field Operations for the Highway Patrol. Costs for this are \$190,000 in General Funds with \$133,000 of it ongoing and \$65,000 as one-time monies.
6. Criminal Investigation/Fire Marshall - Moving Costs - When the Divisions of Criminal Investigations and Fire Marshall moved locations the cost for the move was not included. There is a request for \$56,000 in one-time General Fund monies.
7. POST - Emergency Vehicle Operations Simulator - The Highway Patrol is located across the state, but the driving training range is located at the point of the mountain. This

creates a problem for many who wish to train but are located in remote areas. The simulator would help address these issues. The cost would be a one-time allocation of \$90,000 in General Funds Restricted - Public Safety Support (which comes from a surcharge on criminal fines).

8. DPS - Administration - Olympic Coordinator for Public Safety - A one-time \$150,000 allocation from General Fund monies for FY 2001 (a supplemental) and FY 2002 is needed to fund this position. After FY 2002 this position will cease to exist.
9. Helicopter Purchase - As a helicopter was lost last spring it becomes essential that a new one be purchased. The cost would be \$900,000 in one-time General Funds. The following intent language is recommended by the Analyst:

“It is the intent of the Legislature that amounts received above \$15,000 of reimbursable flight time for the Department of Public Safety’s aircraft be nonlapsing and used only to replace aircraft engines and related parts.”

10. Fire Academy Update - The Analyst recommends course updating and 3 additional FTEs for planning and updating the courses offered, replacement of obsolete equipment and funding the higher education salary increase approved by the Legislature last year, that the Academy receive \$489,000 from General Fund Restricted Fire Academy Support Fund.
11. Motorcycle Equipment Upgrade - With increases in the number of students being trained (approx. 25% increase) it has become necessary to upgrade existing training equipment. The cost for this upgrade would be \$30,000 from the Transportation Fund Restricted - Motorcycle Education Fund. This would cover the upgrades and insurance cost increases.

The Analyst indicated to the committee there were various fees that would need to be adopted through a separate motion. The fees are listed on pages 31-32, 42-43, 54, and 68-69. The Analyst also recommended the adoption of the following intent language in regards to the Highway Safety budget:

“It is the intent of the Legislature that the Office of Highway Safety may, as consistent with federal law, transfer Federal Funds from this line item of appropriation to other items of appropriation when necessary.”

Presenting the Agency response to the Analyst’s recommendations was Bob Flowers, Commissioner of Public Safety, and Earl Morris Deputy Commissioner. Mr. Flowers and Mr. Morris reviewed for the committee the Strategic Plan and the Departments Annual Report for 2000. (See copies on file)

Addressing the committee regarding the morale of the Utah Highway Patrol was Lieutenant Colonel Scott Duncan. Colonel Duncan indicated that one area that could be addressed that would help is increased pay.

The Department reviewed the following critical areas as they see them:

1. Increased compensation
2. 12 additional troopers
3. Olympics
4. 1% cut in General Fund monies
5. Intent Language - 12 additional vehicles, BAT testing vehicle, and the request to use existing funds for these purchases.
6. Replacement of the helicopter

The following staff members were introduced: Sidney Groll, Jeff Gravier, Brent Halladay, and Roland Squire.

Representative Cox introduced Lt. Colonel Randy Johnson, who was formerly with West Jordan Police Department and is now with the Department of Public Safety.

Addressing questions from the committee were Sidney Groll, Department of Public Safety, and Camille Anthony, UCCJJ.

Representative Cox asked that the chairmen look at expanding the individual lists from the top 5 items to the top 10 from the previously voted on tentative priority list. Discussion from the committee regarding the request followed. Representative Cox also requested that lunch be available for the Friday meeting. No comments were made regarding the request.

Senator Suazo asked that non-lapsing intent language as per the departments request be discussed on Friday.

Representative Tyler requested that staff add the following intent language to the highlight list for Friday's meeting.

"It is the intent of the Legislature that all Troopers working for the Department of Public Safety have a fully equipped vehicle assigned to them. In order to satisfy this intent, the Department of Public Safety is authorized to increase the size of its fleet by up to 12 vehicles to be paid for from existing funds. DPS will work with the Division of Fleet Operations to purchase the vehicles and related equipment.

It is the intent of the Legislature that the Department of Public Safety is authorized to purchase a specialized vehicle for the purpose of conducting the mobile Breath Alcohol Testing

program in the Utah Highway Patrol. This unit will be purchased from funds authorized under HB 55 passed in the 1997 General Session of the Legislature. This is a one time purchase that may not be replaced at the end of its useful life unless said funding is still available, and as such will not constitute an expansion of the state fleet.”

The department further reiterated the Departments need for the helicopter replacement.

MOTION: Representative Cox moved to tentatively approve the Analyst’s recommended base budget for the Department of Public Safety less the 1% General Fund reduction in the amount of \$110,286,389. The motion passed unanimously with Representative Bigelow and Senator Suazo absent for the vote.

MOTION: Representative Cox moved to approve all fees as listed by the Analyst on pages 31-32, 42-43, 54, and 68-69, with the exception of the following:

Page 31, Concealed Carry Weapons Renewal Fee change from \$10.00 to \$35.00

Page 32, Under New Fees - Firearms Instructor Renewal, change from \$10.00 to \$25.00.

The motion passed unanimously with Representative Bigelow and Senator Suazo absent for the vote.

MOTION: Senator Buttars moved to add to the priority list \$68,900 in ongoing General Funds, and \$20,000 in one-time General Funds to the funding of an additional FTE investigator for Peace Officers Standards and Training. The motion passed unanimously with Representative Bigelow and Senator Suazo absent for the vote.

MOTION: Senator Buttars moved to add to the priority list \$44,200 in General Funds for Crime Lab Serologist. The motion passed unanimously with Representative Bigelow and Senator Suazo absent for the vote.

MOTION: Representative Cox moved to have intent language drafted to authorize the agencies within the Department of Public Safety to collect and use fees and fines collected. After discussion the motion was withdrawn.

MOTION: Representative Cox moved to adopt the intent language authorizing the Department of Public Safety to purchase and equip 12 vehicles and the BAT mobile. The motion passed unanimously with Representative Bigelow absent for the vote.

MOTION: Senator Buttars moved to add to the priority list \$68,000 in ongoing General Funds, and \$20,000 in one-time General Funds for 1 FTE as a fire prevention

specialist. The motion passed unanimously with Representative Bigelow absent for the vote.

MOTION: Senator Suazo moved to add to the list \$900,000 in one-time General Funds for the purchase of a helicopter. The motion passed with Senator Buttars voting against the motion, and Representative Bigelow absent for the vote.

MOTION: Representative Cox moved to add to the priority list \$90,000 in General Fund Restricted - Public Safety Support for a POST Emergency Vehicle Operations simulator. The motion passed unanimously with Representative Bigelow absent for the vote.

MOTION: Senator Buttars moved to add to the list \$56,000 in one-time General Funds to cover moving expenses. The motion passed unanimously with Representative Bigelow absent for the vote.

MOTION: Senator Buttars moved to add to the list \$150,000 in one-time General Funds for FY 2001 (supplemental) and FY 2002 for an Olympic Coordinator for Public Safety. The motion passed with Senator Suazo voting against the motion and Representative Bigelow absent for the vote.

MOTION: Representative Daniels moved to add to the list \$400,000 for 9 additional FTEs for additional examiners for the Drivers Licensing Division. The money would come from Transportation - Restricted Funds. The motion passed with Senator Buttars voting against the motion, and Representative Bigelow absent for the vote.

MOTION: Representative Ray moved to add to the list \$190,00 in General Funds (\$133,000 ongoing and \$65,000 in one-time) for 2 additional FTE troopers for Field Operations. Senator Buttars, and Knudsen voted against the motion. The motion failed in the Senate and passed in the House, therefore, the motion failed. Representative Bigelow was absent for the vote.

MOTION: Senator Buttars moved to add to the list \$42,000 as a supplemental for Davis Dispatch. The motion passed unanimously with Representative Bigelow absent for the vote.

MOTION: Representative Cox moved to add to the list \$70,000 in one-time General Funds for 800 MHZ radio conversion. The motion passed unanimously with Representative Bigelow absent for the vote.

MOTION: Senator Knudsen moved to add to the list \$489,000 in General Fund Restricted Fire Academy Restricted for 3 FTEs for planning and updating required courses,

and replacement of obsolete equipment, and \$30,000 from the Transportation Fund Restricted - Motorcycle Education Fund for upgrades in equipment and increased insurance costs. The motion passed unanimously with Representative Bigelow absent for the vote.

MOTION: Representative Cox moved that the committee members submit to the chairmen a list of the top 10 priorities from the 49 items on the priority list. The motion passed with Senator Buttars voting against the motion, and Representative Bigelow and Senator Knudsen absent for the vote.

MOTION: Senator Suazo moved to adjourn. The motion passed unanimously with Representative Bigelow and Senator Knudsen absent for the vote. The meeting adjourned at 5:17 p.m.

Senator D. Chris Buttars, Co- Chair

Representative A. Lamont Tyler, Co-Chair